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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/016,732	12/11/2001	Raymond M. Fallon	18133-089	5405

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EXAMINER

GOINS, DAVETTA WOODS

ART UNIT

PAPER NUMBER

2632

DATE MAILED: 08/27/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/016,732

Applicant(s)

FALLON ET AL.

Examiner

Davetta W. Goins

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 6) ☐ Other: _____

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Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 12 recites the limitation "the firmware" in line 3. There is insufficient antecedent basis for this limitation in the claim.

3. Claims 25 and 26 recite the limitation "firmware" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stich et al. (US Pat. 5,315,533).

In reference to claims 1-5, 9, 13-16, 19, 20, 23, 24, Stich does not specifically disclose the claimed method of programming to enable the audio alarm of the power supply during a first predetermined time period, and programming to disable the audio alarm of the power supply while the power supply is still operational during a second predetermined time period. However, he does disclose a back-up uninterruptible power system including an external electrically-

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erasable programmable read only memory (EEPROM) provided for storage of programmable user constants (col. 25, lines 11-22). An overload alarm is generated and a small alarm debounce "period" is given (col. 31, lines 50-68). A Low Run Time Battery alarm is provided to alert the user of an impending shutdown while operating on inverter. The alarm compares the run time as calculated under "Derived Metering" above against a programmable setpoint contained in EEPROM. The alarm signaled when the calculated run time is less than or equal to the setpoint (col. 32, lines 1-16). Since Stich discloses an EEPROM to allow the user to program various alarms and time of the alarms, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the method of programming an enable audio alarm for a first predetermined time period as well as a disable audio alarm for a second predetermined time period to prevent nuisance alarms than can occur during momentary output load surges.

In reference to claim 5, Stich discloses the claimed method of programming the power supply to disable through computer software the audio alarm of the UPS when a computer system having the computer software installed thereon is powered off

In reference to claims 6-8, 17, 21, 22, Stich discloses the claimed audio alarm and visual alarms, which is met by the piezoelectric audible alarm and 7-segment LED display (col. 32, lines 21-40).

In reference to claims 10, 18, Stich discloses the claimed power supply is uninterruptible power supply, which is met by the backup uninterruptible power system 30 (col. 8, lines 59-66).

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In reference to claim 11, Stich discloses the claimed method of enabling the audio alarm of the power supply during the first and second predetermined time periods if the computer enters a low-power state, which is met by the overload alarm and low battery alarms generated, each providing a piezoelectric audible alarm and 7-segment display (col. 31, lines 50-68; col. 32, lines 1-40).

In reference to claims 12, 25, 26, Stich discloses the claimed enabling and disabling the audio alarm of the power supply through the firmware of the power supply, which is met by microcomputer 66 controlling the operation of the audible alarm (col. 25, lines 35-52).

6. The prior art of record and not relied upon is considered pertinent to the applicant's disclosure as follows. O'Connor et al. (US Pat. 5,958,054), disclosing an uninterruptible power supply.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Davetta W. Goins whose telephone number is 703-306-2761. The examiner can normally be reached on Mon-Fri with every other Fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu can be reached on 703-308-6730. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-7666.



D.W.G.

August 21, 2003

Davetta W. Goins
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